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April 24, 2007

Dan Nelson
Senior Water Resource Agent
Idaho Department of Water Resources
2735 Airport Way
Boise, Idaho 83705

RE: Smid Hydro-electric project on French Creek, Idaho County

Dear Mr. Nelson:

Thank you for your letters dated March 2 and 3, 2007 requesting additional information. Attached you will find this additional information requested including:

- a) The original application with edits.
- b) Contact letters to additional state agencies and their comments.
- c) A financial statement from the owner.
- d) Preliminary drawings, plan and profile with details for construction.
- e) Engineer's Opinion of Probable Construction Costs

Dr. Teasdale will be sending you under separate cover a report on the potential for ice formation due to this project.

Our response to comments:

In your March 2nd letter, there was some confusion as to where the intake and discharge structures would be located. The owner/ operator owns the west half of the north-east quarter of Section 24. Mr. Smid does not own any property or rights in the south-east quarter of this section or in Section 13 to the north and as such, the intake structure will be placed in the north-east quarter as indicated on the application. The turbine and discharge will be in the north-west quarter of this north-east quarter and that box on the application has been checked.

The Department of Environmental Quality response to the scoping letter does not have any comments. Dr. Teasdale has included a narrative of the beneficial uses of Lower French Creek in his report.

The letter from Idaho Fish and Game included 5 comments, including a discussion of ice formation, the fish screen at the intake, the location of the penstock within the roadway, surface erosion control and construction impacts on the riparian area.

Dr. Teasdale has furnished a report indicating a very low potential of this project impacting the formation of ice in this watercourse at a water use rate of 2 cuft per sec.. It should be noted that the turbine will be equipped with a load demand controller that will vary the flow rate to match the demand. During the off season (winter time period), the demand will be much lower, requiring a much lower flow rate and further reducing the potential for ice. The historical potential for the formation of ice during the last 35 years is charted in the report on page 43 and indicates an average of slightly more than 8 days per year of potential frazil ice. Should ice formation become a problem, the owner will cease operations of the turbine and use other forms of power generation until the ice clears up.

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The riparian area along French Creek is a significant resource for the property. Mr. Smid will be highly motivated to install this work with a minimum impact to the riparian area and will try to both reclaim and improve the area following construction by plantings and seeding. We will work with him to include mitigation and repair items in the construction plans and specifications.

The intake structure will include a passive fish screen designed and installed using information available from the State of Washington's Screen Shop in Yakima, Washington. It initially appears that a 14" diameter "TEE" screened structure some 21-feet long will be needed. Final design and specifications will be issued prior to construction.

The penstock will be placed in the existing roadbed on the east side. This should bed the pipe on or in undisturbed soils, not out in the west side of the road which is probably cast and fill material.

Initial designs have this project disturbing just under the 1-acre limit for small construction projects requiring coverage under the National Pollution Discharge Elimination System (NPDES) permit. The owner will file a Notice of Intent with EPA for coverage and will conduct this construction to the permit requirements. The construction plans and specifications will include erosion and sediment control plans using Best Management Practices as shown in DEQ's Catalog of Best Management Practices.

Because the penstock is located in the existing roadbed, there should not be any additional erosion or sediment from this project following completion of construction. Properly installed, operated, and maintained, the piping proposed for this work does not normally fail. The specifications will include testing specifications to ensure a leak-free and reliable pipe.

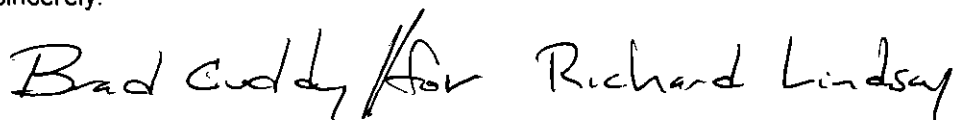
A preliminary construction plan has been included with this submittal to comply with the Water Appropriation Rule 40.05.f.ii. This work will be done per the Idaho Specifications for Public Works Construction (ISPWC), a document that provides a detailed description of material quality, workmanship standards, and testing requirements for common construction items.

The plan and profile furnishes an alignment and bury depths for the proposed pipe. The detail sheet is a preliminary design of the intake structure and the turbine house and tailrace. Final plans and construction document will be done following the approval of the water appropriation.

These preliminary plans were used to estimate quantities of work and develop the Engineer's Opinion of Probable Construction Costs.

Thank you for your consideration of this application. If you have any questions feel free to call Chuck Cuddy, Dr. Teasdale, or myself.

Sincerely:

A handwritten signature in black ink that reads "Bud Cuddy for Richard Lindsay". The signature is written in a cursive, flowing style.

Richard Lindsay, PE